

THURSDAY, JANUARY 16, 1997

THIRD ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Edwin Sanders, Metropolitan Interdenominational Church, Nashville, Tennessee,

Representative Langster led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Buck; Business reasons.

MESSAGE FROM THE SENATE

January 16, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 4; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

January 16, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 19 and 20; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 19 -- Memorials, Personal Occasion - Warren Zevon, 50th birthday. by *Cohen.

Senate Joint Resolution No. 20 -- Memorials, Sports - University of Memphis football team victory over Tennessee. by *Cohen, *Leatherwood, *Person.

MESSAGE FROM THE SENATE

January 16, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 21; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 21 -- Memorials, Death - Orrel James (O Jay) Mitchell, Jr. by *Cohen.

RULES SUSPENDED

Rep. White moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 9, out of order, which motion prevailed.

House Joint Resolution No. 9 -- Memorials, Sports - David Weathers, relief pitcher, New York Yankees. by *White.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. White, the resolution was adopted by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker,

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Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Lewis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 10 out of order, which motion prevailed.

House Joint Resolution No. 10 -- Memorials, Professional Achievement - Ms. Zeldra Chester, "Mrs. Democrat". by *Lewis.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Lewis, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Lewis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 11 out of order, which motion prevailed.

House Joint Resolution No. 11 -- Memorials, Death - J.C. (Clair) Eoff, "Mr. Democrat". by *Lewis.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Lewis, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and held on the desk pending appointment of the Standing Committees:

House Joint Resolution No. 7 -- Naming and Designating - Smithville Fiddlers' Jamboree and Crafts Festival, official jamboree and crafts festival of Tennessee. by *Buck.

***House Joint Resolution No. 8** -- General Assembly, Studies - Creates special joint committee to study remittance of forfeitures. by *Buck, *Pinion.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 3, 1997:

House Joint Resolution No. 12 -- Memorials, Death - Charles T. Rhyne, Jr. by *Davis.

House Joint Resolution No. 13 -- Memorials, Death - Lucius Reese. by *Davis.

House Joint Resolution No. 14 -- Memorials, Professional Achievement - Dr. John R. Chambers, 1996 Young Veterinarian of the Year. by *Davis.

House Joint Resolution No. 15 -- Memorials, Death - James Everett Freshour. by *Davis.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 3, 1997:

Senate Joint Resolution No. 21 -- Memorials, Death - Orrel James (O Jay) Mitchell, Jr. by *Cohen.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 13** -- Zoning - Authorizes, under certain circumstances, referenda on whether there shall be county zoning. Amends TCA Title 13, Chapter 7, Part 1. by *Newton.

***House Bill No. 14** -- Sentencing - Increases punishment for sale or distribution of marijuana by reducing quantity amount necessary to come within various punishment classifications; permits plants to be included in determining punishment, based upon number of plants. Amends TCA Title 39, Chapter 17. by *Newton.

***House Bill No. 15** -- Drugs - Makes stimulant "methcathinone" Schedule I controlled substance. Amends TCA Title 39, Chapter 17, Part 4. by *Newton.

***House Bill No. 16** -- Sentencing - Requires felony drug offenders to perform labor in chain-gang work groups during any period of incarceration; requires department of correction, sheriffs and workhouse commissioners to devise and implement chain-gang work programs by October 1, 1997. Amends TCA Title 39, Chapter 17, Part 4. by *Newton.

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***House Bill No. 17** -- Annexation - Restricts annexation undertaken by means of ordinance enacted by municipality. Amends TCA Title 6, Chapter 51. by *Newton.

***House Bill No. 18** -- Redistricting, Legislative & Congressional - Revises boundaries of second and third congressional districts to conform with local precinct boundaries. Amends TCA Title 2, Chapter 16. by *Newton.

***House Bill No. 19** -- Zoning - Changes certain procedural provisions pertaining to municipal zoning outside boundaries. Amends TCA Title 13, Chapter 7, Part 3. by *Newton.

***House Bill No. 20** -- Annexation - Allows each county legislative body to determine whether municipalities within county will possess power to annex territory by municipal ordinance. Amends TCA Title 6, Chapter 51. by *Newton.

***House Bill No. 21** -- Sentencing - Authorizes court to sentence defendant to perform labor wearing leg irons in chain-gang type work group in conjunction with a sentence of confinement; requires department of correction, workhouse commissioners and sheriffs to devise chain-gang programs. Amends TCA Title 39, Title 40 and Title 41. by *Newton.

***House Bill No. 22** -- Sentencing - Requires person sentenced to incarceration in department of correction, county jail or workhouse to perform labor in chain-gang work groups; requires department, sheriffs and workhouse commissioners to devise chain-gang programs by January 1, 1998. Amends TCA Title 39, Title 40 and Title 41. by *Newton.

***House Bill No. 23** -- Zoning - Increases certain notification requirements with respect to certain proposed zoning ordinances. Amends TCA Title 13, Chapter 7. by *Newton.

***House Bill No. 24** -- Public Records - Designates unpublished telephone numbers, names and addresses in possession of emergency communications districts as confidential and not open to public inspection. Amends TCA Section 10-7-504. by *Buck, *Newton, *Pinion.

***House Bill No. 25** -- Divorce and Annulment - Clarifies that mediation documents or information may be disclosed if such disclosure reveals abuse or neglect of child or children. Amends TCA Title 36, Chapters 4, 5 and 6. by *Buck, *Newton, *Pinion.

***House Bill No. 26** -- Divorce and Annulment - Lowers from twelve to ten age at which child's preference relative to custody issues may be considered. Amends TCA Title 36, Chapters 4, 5 and 6. by *Buck, *Newton, *Pinion.

***House Bill No. 27** -- Criminal Procedure - Increases from \$15.00 to \$20.00 monthly supervision fee of offenders serving sentences under supervision of community corrections grantee. Amends TCA Title 40. by *Buck, *Newton.

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***House Bill No. 28** -- Highway Signs - Accelerates reimbursement of lease payments relative to specific service highway signs from ten to seven years. Amends TCA Title 54, Chapter 5, Part 11. by *Buck, *Newton, *Pinion.

***House Bill No. 29** -- Correctional Programs - Reduces "time sentenced" required for sentence reduction eligibility from one year to nine months. Amends TCA Title 41. by *Buck, *Newton, *Pinion.

***House Bill No. 30** -- Workers' Compensation - Requires employer to file wage statement within 30 days of filing of answer covering employee's last 52 weeks of wages in workers' compensation lawsuit. Amends TCA Title 50, Chapter 6. by *Buck, *Newton, *Pinion.

***House Bill No. 31** -- Driver Licenses - Prohibits department of safety from rejecting applicant for commercial driver license because applicant's vehicle for skills test fails to pass any required inspections, so long as vehicle is of class applicant expects to operate. Amends TCA Title 55, Chapter 50. by *Buck, *Pinion.

***House Bill No. 32** -- Hospitals and Health Care Facilities - Limits amount hospital can charge to copy patient's medical records to no more than \$10.00 for reports 20 pages or less plus 25 cents for each additional page copied. Amends TCA Title 56; Title 63 and Title 68. by *Buck, *Pinion.

***House Bill No. 33** -- Environmental Preservation - Authorizes department of environment and conservation to develop pilot project for environmental audits in three counties over three year period. Amends TCA Titles 1-71. by *Buck, *Pinion.

House Bill No. 34 -- Judges and Chancellors - Increases from ten to fifteen days notice required to presiding judge and public to hold public hearing of judicial council on recommendation on which court an elected additional judge will sit; changes from 90 or more days to 90 consecutive days or more of judges or chancellor's absence for disability before the chief justice can certify such disability to the governor. Amends TCA Title 16 and Title 17. by *Buck, *Pinion.

***House Bill No. 35** -- Tennessee Bureau of Investigation - Increases from \$17.50 to \$20.00 fee TBI's crime laboratory can charge as part of costs upon conviction in DUI case. Amends TCA Title 38, Chapter 6; Title 39, Chapter 17, Part 4 and Title 40, Chapter 39. by *Buck, *Newton.

***House Bill No. 36** -- Judges and Chancellors - Establishes term of office, qualifications, and compensation for judges elected in 1998 to fill newly created judgeships. Amends TCA Title 16, Chapter 2, Part 5. by *Buck, *Newton.

***House Bill No. 37** -- Civil Procedure - Raises percentage of allowable post-consumer waste permitted in composition of recycled paper from 10 to 12 percent. Amends TCA Titles 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29. by *Buck, *Newton.

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***House Bill No. 38** -- Workers' Compensation - Changes minimum frequency of meetings of workers' compensation advisory council from twice each year to quarterly. Amends TCA Title 4, Title 50 and Title 56. by *Buck.

***House Bill No. 39** -- Local Education Agency - Allows counties to continue to choose to elect county school superintendents after September 1, 1996, rather than having appointed superintendents. Amends TCA Title 49, Chapter 2, Part 3. by *Buck.

***House Bill No. 40** -- Highway Signs - "C. West Dotson Memorial Bridge," Macon County. by *Buck, *Winningham.

***House Bill No. 41** -- Judges and Chancellors - Creates position of circuit court judge in 15th judicial district to be filled by election in 1998 Amends TCA16-2-506(15)(A). by *Buck, *Winningham, *Bone.

***House Bill No. 42** -- Emergency Communications Districts - Exempts public safety dispatcher from requirement that be high school graduate or possess equivalency if hired prior to July 1, 1997 Amends TCA Section 7-86-201. by *Rhinehart.

***House Bill No. 43** -- Highways, Roads and Bridges - Authorizes tourist oriented directional signs on scenic highways in Van Buren, Sequatchie, Bledsoe, Grundy, Macon and Warren counties. Amends TCA Section 54-17-109. by *Rhinehart.

House Bill No. 44 -- Driver Licenses - Prohibits issuance of restricted commercial driver license for operating school bus. Amends TCA Title 55, Chapter 50. by *Halteman Harwell.

House Bill No. 45 -- Highway Signs - "Elizabeth Yancy Griffin Memorial Bridge," S.R. 1, Arlington. by *Haley, *Pleasant, *Scroggs, *Newton.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were held on the Clerk's desk pending appointment of the standing committees:

House Bill No. 6 -- Capitol --Caption Bill Held on House Desk

***House Bill No. 7** -- Taxes, Sales -- Caption Bill Held on House Desk

House Bill No. 8 -- Taxes, Real Property -- Caption Bill Held on House Desk

House Bill No. 9 -- Election Laws -- Caption Bill Held on House Desk

***House Bill No. 10** -- Correctional Programs -- Caption Bill Held on House Desk

***House Bill No. 11** -- Correctional Programs -- Caption Bill Held on House Desk

***House Bill No. 12** -- Correction, Dept. of -- Caption Bill Held on House Desk

CONSENT CALENDAR

***House Joint Resolution No. 5** -- Memorials, Public Service - Billy Stokes. by *Kisber.

House Joint Resolution No. 6 -- Memorials, Recognition and Thanks - Town of Woodbury, ranked 39th out of 100 Best Small Art Towns in America. by *Buck.

Senate Joint Resolution No. 14 -- Memorials, Congratulations - Boy Scout Troop 142, 50th anniversary. by *Burks.

Rep. Kisber moved that all members voting aye on **House Resolution No. 5** be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

ELECTION OF MEMBERS TO FISCAL REVIEW COMMITTEE

In accordance with Tennessee Code Annotated 3-7-101, the election of the Fiscal Review Committee is required during the organizational session.

Speaker Naifeh opened the floor for nominations.

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Representative Rinks nominated Representatives Cross, Givens Pruitt, Odom and Rhinehart of the Democratic Party; the nomination was properly seconded.

Representative Stamps nominated Representatives Clabough, Kent, Wood and McKee of the Republican Party; the nomination was properly seconded.

There being no nominations from the floor, Representative Hargrove moved that the nominations cease and that the Clerk be directed to take the roll, which motion prevailed.

For the nominees 98

For the nominee: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Speaker Naifeh declared the Members of the Fiscal Review Committee duly, legally and constitutionally elected for the ensuing four years.

RULES SUSPENDED

Rep. John DeBerry moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 19 out of order, which motion prevailed.

Senate Joint Resolution No. 19 -- Memorials, Personal Occasion - Warren Zevon, 50th birthday. by *Cohen.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. John DeBerry, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. John DeBerry moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 20 out of order.

Senate Joint Resolution No. 20 -- Memorials, Sports - University of Memphis football team victory over Tennessee. by *Cohen, *Leatherwood, *Person.

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Rep. Armstrong moved to table Senate Joint Resolution No. 20, which motion prevailed.

ANNOUNCEMENTS

APPOINTMENT OF STANDING COMMITTEES

The Speaker announced the appointment of the Standing Committees of the House as follows:

AGRICULTURE COMMITTEE --- Chairman -- Ken Givens, Vice-Chairman -- Kathryn Bowers, Secretary -- Dennis Ferguson, Stratton Bone, John Mark Windle, Bill Dunn, Mark Goins, Dennis Roach, Raymond Walker and Stancil Ford.

CHILDREN & FAMILY AFFAIRS --- Chariman -- Brenda Turner, Vice-Chairman -- Carol Chumney, Secretary -- John DeBerry, Mike Williams, Mark Maddox, Howard Kerr, Beth Halteman Harwell and Mark Goins.

COMMERCE COMMITTEE --- Chairman -- Shelby Rhinehart, Vice-Chairman -- Paul Phelan, Secretary -- Charles Curtiss, Kathryn Bowers, Bill Boner, Ronnie Cole (Dyer), Craig Fitzhugh, George Fraley, Bobby Sands, Doyle Lewis, Pete Phillips, Joe Townes, John White, Mike Williams, Bill Clabough, Steve Godsey, Ralph Cole (Carter), Stancil Ford, Doug Gunnels, Joyce Hassell, Charles Sargent, Bob McKee, Jason Mumpower, Raymond Walker and Bobby Wood.

CONSERVATION & ENVIRONMENT COMMITTEE --- Chairman -- Jerry Cross, Vice-Chairman -- Gary Odom, Secretary -- Tommie Brown, John Tidwell, Mike Kernell, Arnold Stulce, Charles Curtiss, H.E. Bittle, Steve Godsey, Bill McAfee and Larry Scroggs.

CONSUMER & EMPLOYEE AFFAIRS --- Chairman -- Ben West, Vice-Chairman -- Larry Turner, Secretary -- Sherry Jones, John Arriola, Barbara Cooper, Edith Langster, Don Bird, Tim Burchett, Jason Mumpower and W.C. Pleasant.

EDUCATION COMMITTEE --- Chairman -- Gene Davidson, Vice-Chairman -- Les Winningham, Secretary -- Joe Townes, Mark Maddox, Gene Caldwell, Ulysses Jones, Michael McDonald, Kim McMillan, Phillip Pinion, Arnold Stulce, Barbara Cooper, John Hood, Jim Boyer, Bob Patton, Zane Whitson, Ronnie Davis and W.C. Pleasant.

FINANCE, WAYS & MEANS --- Chairman -- Matt Kisber, Vice-Chairman -- Tommy Head, Secretary -- Ronnie Cole, Joe Armstrong, Tommie Brown, Carol Chumney, Gene Davidson, Tim Garrett, Ken Givens, Jere Hargrove, Doyle Lewis, Larry Miller, Phillip Pinion, Shelby Rhinehart, Don Ridgeway, Randy Rinks, Robb Robinson, Harry Tindell, Les Winningham, Wayne Ritchie, H.E. Bittle, Ralph Cole, Doug Gunnels, Larry Huskey, Joe Kent, Steve McDaniel, Page Walley, Zane Whitson, Bobby Wood and Bob McKee.

GOVERNMENT OPERATIONS COMMITTEE --- Chairman -- Mike Kernell, Vice-Chairman -- Tim Garrett, Secretary -- Henri Brooks, Jerry Cross, Lois DeBerry, Ed Haley, Bill McAfee and Keith Westmoreland.

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HEALTH & HUMAN RESOURCES --- Chairman -- Joe Armstrong, Vice-Chairman -- Mary Pruitt, Secretary -- Mary Ann Eckles, John DeBerry, Lois DeBerry, John Arriola, Gene Caldwell, Doug Jackson, Sherry Jones, Gary Odom, Brenda Turner, Dennis Ferguson, Don Bird, Bill Clabough, Tre Hargett, Steve McDaniel, Bob Patton and Page Walley.

JUDICIARY COMMITTEE --- Chairman -- Frank Buck, Vice-Chairman -- Doug Jackson, Secretary, Kim McMillan, Jere Hargrove, Bobby Sands, Henri Brooks, Wayne Ritchie, John Mark Windle, Jim Boyer, Chris Newton, Larry Scroggs, Randy Stamps and Keith Westmoreland.

STATE & LOCAL GOVERNMENT COMMITTEE --- Chairman -- Ulysses Jones, Vice-Chairman -- Harry Tindell, Secretary -- Edith Langster, Stratton Bone, Craig Fitzhugh, Joe Fowlkes, Bill Boner, Matt Kisber, Larry Miller, Pete Phillips, Mary Pruitt, Randy Rinks, Ben West, Paul Phelan, Mae Beavers, Charles Sargent, Beth Halteman Harwell, Bobby Hicks, Larry Huskey, Joe Kent, Howard Kerr, Jack Sharp and Tre Hargett.

TRANSPORTATION COMMITTEE --- Chairman -- Robb Robinson, Vice-Chairman -- Joe Fowlkes, Secretary -- John White, George Fraley, John Tidwell, Frank Buck, Mary Ann Eckles, Tommy Head, Michael McDonald, John Hood, Don Ridgeway, Larry Turner, Tim Burchett, Ronnie Davis, Bill Dunn, Randy Stamps, Jack Sharp, Mae Beavers, Ed Haley, Joyce Hassell, Bobby Hicks, Chris Newton and Dennis Roach.

CALENDAR AND RULES COMMITTEE --- Chairman -- Pete Phillips, Vice-Chairman -- Larry Miller, Secretary -- Craig Fitzhugh, Speaker Naifeh, Speaker Pro Tempore DeBerry, Jere Hargrove, Randy Rinks, Steve McDaniel, Randy Stamps, Page Walley, Ed Haley and all Standing Committee Officers.

REMARKS OF REPRESENTATIVE MCDANIEL

Mr. Speaker, on November 5, 1996, the voters all across this State made their wishes known. They chose, as citizens have for 200 years, their elected officials to represent them in the legislative process. We are the ninety-nine people, in a state with a population of approximately 5 million people, in whom the people have placed their faith and trust to meet the great challenges as members of the Tennessee House of Representatives.

However, Mr. Speaker, I rise today to say that this member is truly disappointed in your decision to lock out approximately 2 million people's right to receive full and fair representation in this House.

Rule #7 of the "PERMANENT RULES OF ORDER OF THE HOUSE OF REPRESENTATIVES," adopted by this body just day before yesterday, states clearly, and I quote in part, "7. SPEAKER TO APPOINT COMMITTEE OFFICERS. The Speaker shall

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appoint one chair, one vice-chair, and one secretary for each of the standing committees and for the Committee on Calendar and Rules. In appointing committee officers, the Speaker shall consider the abilities, preferences and seniority of members and the political party representation in the House."

Ladies and gentlemen, not one single member of the minority party has been appointed to serve as an officer of any of the twelve committees just named. It was my hope and the wishes of most Tennesseans that we lay partisanship aside as we share in the challenges before us.

Mr. Speaker, you may point to elected officials in Washington and suggest that we emulate them and their partisan ways of choosing their legislative committees and leaders as they have for the past many decades. However, in Tennessee, it was not until 1973 that such arbitrary action began, partially disenfranchising those people who dare elect a representative from other than the majority party.

During the historic 86th General Assembly, when the present minority party had a Representative elected to the position you now hold, members of your party were appointed to chair standing committees of this House.

No, Mr. Speaker, it was not you who set the precedent continued here today. But it is you to whom we look as our Speaker, as our leader, for this legislative body, for fairness and to adhere to the spirit of the rules.

The people of this state deserve our best effort in assisting them to fulfill their dreams and aspirations. It is smaller, smarter government that our constituencies expect from us. We have much work to do in order to accomplish this task and decide upon other important matters facing this 100th General Assembly. It is a task that deserves the maximum efforts and abilities from all members of this house.

Mr. Speaker, it is the duty of each of us to represent our constituents to the best of our abilities. The members of the minority party in this House stand ready with conviction and courage to join with you and other members of this House to carry out the will of the people of this great state.

Mr. Speaker, I move my remarks be spread upon the journal of this House.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

Pursuant to House Joint Resolution No. 4 and in order to satisfy the requirements of the Constitution, Rep. Hargrove moved that the House adjourn the Organizational Session of the House of Representatives of the 100th General Assembly sine die and the House convene immediately into Regular Session, which motion prevailed.